

MINUTES OF THE NORWALK CITY COUNCIL MEETING ON 9-17-15 (abridged for publication)

Mayor Pro Tem Isley called the City Council meeting to order at 6:04 p.m.
Present at roll call: Tom Greteman, Erika Isley, Kyle Jackson and Jaki Livingston.
Absent at roll call: Eric Delker and Tom Phillips. (RC = roll call vote)

Isley announced items 8, 9 and 11 are removed from this agenda.
15-176 Livingston moved, Greteman seconded, to approve the **agenda** as amended. Voice vote carried unanimously.

15-177 Livingston moved, Greteman seconded, to approve **minutes** of the August 27th special council meeting and the September 3rd regular council meeting. Voice vote carried unanimously.

Consent included **tax abatements**; **liquor licenses** for Casey's General Store #2568 and Echo Valley Country Club; **appointment of Cindy Gavin** to the Library Board of Trustees; approval of **RFP for Comprehensive Plan update**; **Resolution 0917-15-104** approving Street Finance Report; **Resolution 0917-15-098** eliminating deficit balance in Pool Fund (340); **Resolution 0917-15-099** accepting public infrastructure improvements for the project known as Legacy Commercial Plat 6; Receive and file monthly **Treasurer's reports** for July and August, and monthly **department reports** for August; **Resolution 0917-15-105** approving employee compensation and liability agreement; and **expenditures**:

ACME TOOLS	EQUIPMENT	\$297.00	IOWA RADIOLOGY	PHYSICAL	\$33.00
ADVENTURE LIGHTING	BLDG REPAIR	\$41.90	IOWA STATE UNIV	NFA CLASSES	\$50.00
AIA CORPORATION	CLOTH ALLOW	\$310.82	IA WINDOW SVC	BLDG MAINT	\$85.00
AIRPORT SIGNS & GRAPH	STREET SUPPLIES	\$235.00	KABEL BUS SVCS	HRA CKS	\$3,538.87
ASI	TRASH SERVICE	\$52.50	LASER RESOURCES	COPIER LEASE	\$372.45
CARPENTER UNIFORM	OPER SUP	\$959.92	LAW ENFORCE TARGETS	OPER SUP	\$63.57
CONFLUENCE	ZONING UPDATE	\$500.00	MATHESON TRI-GAS	SUPPLIES	\$116.92
CONST & AGGREGATE	VEH OPER	\$128.83	MENARDS	PARKS PAD	\$99.14
CONTROL INSTALL OF IA	BLDG REPAIR	\$670.74	MERCY COLLEGE TRAIN	EMS PROGRAM	\$10.00
COPQUEST	UNIFORMS	\$444.95	METRO WASTE AUTHORITY	MWA CARTS	\$9,282.36
CORWITH SCHOOLS	VEH OPER	\$1,000.00	MIDAMERICAN ENERGY	UTILITIES	\$18,463.44
DELAKE LANDEN	LEASE COPIER	\$263.51	MIDWEST BREATHING	SUPPLIES	\$692.14
DES MOINES IRON	OPER EQUIP	\$391.58	MUNICIPAL SUPPLY	OPER EQUIP	\$11,794.30
DM WATER WORKS	DMWW	\$39,327.24	N WARREN TOWN & CTY	MINUTES	\$96.10
DIAMOND VOGEL	OPER SUP	\$308.40	NORWALK HARDWARE	SUPPLIES	\$323.63
DOWNEY TIRE	REPAIR TRAILER	\$363.83	NORWALK READY MIX	LIMESTONE	\$3,655.50
DUKES ROOT CONTROL	SEWER ROOT CNTL	\$9,999.28	NORWALK SB LEAGUE	REFEREE FEES	\$600.00
ELECTRIC PUMP	EQUIPMENT	\$1,027.88	O'HALLORAN INTL	VEH REPAIRS	\$59.53
FARMERS COOP	DRUG DOG	\$89.70	POOL TECH	CHEMICALS	\$234.00
G & L CLOTHING	CLOTH ALLOW	\$250.40	REGISTER MEDIA	PUBLIC HEARING	\$47.53
GE CAPITAL	COPIER LEASE	\$520.00	SAMS CLUB	SUPPLIES	\$355.05
GREGG YOUNG	VEH REPAIR	\$344.49	SCOTTS FOODS	SUPPLIES	\$171.85
HOLMS AMER RADIATOR	LIFT STATION	\$482.97	SHRED IT	SERVICES	\$46.50
ILLINOIS FIRE STORE	OPER SUP	\$1,399.00	TOMPKINS INDUSTRIES	EQUIPMENT	\$172.24
INDIANOLA FIRE DEPT	BILLING	\$1,085.00	VEENSTRA & KIMM	NW TRUNK SEWER	\$16,345.92

INDOFF INC	SUPPLIES	\$881.10	VERIZON WIRELESS	TELECOM	\$1,398.26
INTERSTATE POWER SYS	VEH REPAIR	\$5.36	VOORHEES TAEKWONDO	TAEKWONDO	\$539.35
IA LAW ENFORCE ACAD	PYMT FOR SVCS	\$180.00	WADE WAGONER	REIMBURSE	\$69.11
IA PARK AND REC	TICKETS	\$294.00	WARREN CTY TREAS	TAXES	\$236.00
IA PHYS CLINIC MED	PATIENT 1031590110	\$121.00	ZIEGLER	EQUIPMENT	\$1,764.27

15-178 Motion by Jackson, Greteman seconded, to approve **consent** agenda passed unanimously, RC.

15-179 Motion by Livingston, Jackson seconded, to **remove from table reading of a proposed ordinance approving Farms of Holland PUD** passed unanimously, RC.

15-180 Motion by Greteman, Jackson seconded, to **pass the second and waive the third readings of Ordinance 05-07 approving Farms of Holland PUD** passed unanimously, RC.

Isley opened the public hearing for the proposed rezoning request from Kruse Development, DBA Kruse Construction, to rezone land located north of Highway G14 and approximately 1,000 feet east of South Orilla Road from A-R to R-1(70) & R-1(80) at 6:09 p.m.

15-181 Motion by Isley, Greteman seconded, to **continue the public hearing to the next meeting** passed 2-1, with Livingston voting against, RC.

Isley opened the public hearing related to amendment to the following sections of the City of Norwalk Zoning Ordinance: Architectural Standards, Definitions, Non-conforming Accessory Structures, Exceptions and Modifications, Accessory Structures and Fences, Privately Owned Improvements, Bulk Regulations Table, Multi-Family Off-Street Parking, and Buffers at 6:34 p.m.

15-182 Motion by Greteman, Livingston seconded, to **adopt Resolution 0917-15-100 authorizing an agreement between the City of Norwalk and Norwalk Land Company LLC regarding sidewalks/trails in the Norwalk Orchard View development** passed unanimously, RC.

15-183 Motion by Livingston, Greteman seconded, to **adopt Resolution 0917-15-101 approving a quote for painting library interior** passed unanimously, RC.

15-184 Motion by Jackson, Livingston seconded, to **adopt Resolution 0917-15-102 authorizing the Chief of Police to enter into a contract with the Governor's Traffic Safety Bureau for receipt of grant funding** passed unanimously, RC.

15-185 Motion by Livingston, Greteman seconded, to **adopt Resolution 0917-15-103 authorizing a traffic study proposal** passed unanimously, RC.

15-186 Motion by Greteman, Jackson seconded, to **deny appeal** passed unanimously, RC.

15-187 Motion by Jackson, Greteman seconded, to **enter closed session** pursuant to Chapter 21.5.1(c) of the Code of Iowa regarding litigation (Petit) passed unanimously, RC at 7:37 p.m.

15-188 Motion by Greteman, Livingston seconded, to **return to open session** passed unanimously, RC at 7:59 p.m.

15-189 Motion by Greteman, Jackson seconded, to **enter closed session** pursuant to Chapter 21.5.1(c) of the Code of Iowa regarding prospective litigation passed unanimously, RC at 8:00 p.m.

15-190 Motion by Greteman, Livingston seconded, to **return to open session** passed unanimously, RC at 8:16 p.m.

15-191 Jackson moved, Greteman seconded, to **adjourn** meeting at 8:25 p.m. Voice vote carried unanimously.

Erika Isley, Mayor Pro Tem

Attest:

Jodi Eddleman, City Clerk

MINUTES OF THE NORWALK CITY COUNCIL MEETING ON 9-17-15
(unabridged version)

Mayor Pro Tem Isley called the City Council meeting to order at 6:04 p.m.
Present at roll call: Tom Greteman, Erika Isley, Kyle Jackson and Jaki Livingston.
Absent at roll call: Eric Delker and Tom Phillips. (RC = roll call vote)

Staff present included: Marketa Oliver, City Manager; Jodi Eddleman, City Clerk; Tim Hoskins, Public Works Director; Nancy Kuehl, Parks and Recreation Director; Jonathan Lund, Fire Captain; Holly Sealine, Director of Library Services; Greg Staples, Police Chief; Wade Wagoner, Planning and Economic Development Director; Luke Parris, City Planner and Jim Dougherty, City Attorney.

Isley announced items 8, 9 and 11 are removed from this agenda.

15-176 Livingston moved, Greteman seconded, to approve the **agenda** as amended. Voice vote carried unanimously.

Presentation(s)

There were none.

Welcome of Guests and Public Comment

With no one present wishing to speak, Isley opened the business portion of the meeting.

15-177 Livingston moved, Greteman seconded, to approve **minutes** of the August 27th special council meeting and the September 3rd regular council meeting. Voice vote carried unanimously.

Consent included **tax abatements**; **liquor licenses** for Casey's General Store #2568 and Echo Valley Country Club; **appointment of Cindy Gavin** to the Library Board of Trustees; approval of **RFP for Comprehensive Plan update**; **Resolution 0917-15-104** approving Street Finance Report; **Resolution 0917-15-098** eliminating deficit balance in Pool Fund (340); **Resolution 0917-15-099** accepting public infrastructure improvements for the project known as Legacy Commercial Plat 6; Receive and file monthly **Treasurer's reports** for July and August, and monthly **department reports** for August; **Resolution 0917-15-105** approving employee compensation and liability agreement; and **expenditures**:

AGRIVISION EQUIP	GATOR	\$53.26	LASER RESOURCES	LEASE	\$272.18
AIA CORPORATION	UNIFORMS	\$528.53	MARCY AMUNDSON	REFUND	\$30.00
AIRPORT SIGNS	WALL GRAPHIC	\$90.00	MATHESON TRI-GAS	SUPPLIES	\$901.30
ALL IOWA POOL	CHEMICALS	\$13.57	MCCLURE ENGINEER	ENGINEER SVCS	\$8,800.00
ANIMAL RESCUE LEAGUE	LIVE INTAKE	\$125.00	MEDIACOM	INTERNET	\$314.80
ASI	GARBAGE SERVICE	\$2,613.60	MENARDS	SUPPLIES	\$487.23
BEDWELL GARDENS	BROWNIE PARK	\$1,275.00	MERCY COLLEGE TRAIN	CERTIFICATION	\$51.00
BLUE TARP FINANCIAL	VEHICLE REPAIRS	\$51.96	METRO WASTE AUTH	MONTHLY SVC	\$28,077.16
BOBS TROPHIES	ID TAGS	\$70.00	MIKE MYER SERVICES	4451 LAKEWOOD	\$120.00
BOUND TREE MEDICAL	GLOVES	\$156.00	MUNICIPAL SUPPLY	SUPPLIES	\$5,721.68

BROWN EQUIPMENT	VEHICLE REPAIR	\$125.00	N WARREN TOWN & CTY	PUBLIC HEARING	\$235.47
CAPITAL CITY EQUIP	BOBCAT FILTERS	\$259.48	NORWALK READY MIXED	LIMESTONE	\$1,248.00
CITY OF DES MOINES	DEBT SERVICE	\$85,850.50	OVERHEAD DOOR CO	MAINTENANCE	\$304.00
COMMONWEALTH ELEC	DAYROOM	\$319.53	PIONEER MFG	OPER SUPPLIES	\$986.00
CONFLUENCE	PLANNING SVC	\$910.00	PITNEY BOWES	POSTAGE	\$926.83
CONNER ELECTRIC	ELECTRIC	\$1,326.14	PLUMB SUPPLY	EQUIPMENT	\$50.00
DELAGE LANDEN	COPIER LEASE	\$131.25	POOL TECH	EQUIPMENT	\$51.28
DES MOINES IRON	BLADE	\$118.00	PUB RELATION SOCIETY	SUBSCRIPTION	\$305.00
DORSEY & WHITNEY	URB REV AMEND	\$6,455.50	RANKIN COMM SYS	MAINTENANCE	\$285.00
ELEC ENGINEER & EQUIP	LIGHTS	\$90.75	ROLLING THUNDER	STAGE RENTAL	\$500.00
FAREWAY	SUPPLIES	\$97.33	SCOTTS FOODS	SUPPLIES	\$521.42
FIRE SERVICE TRAIN	COBURN REGIS	\$50.00	SHERWIN WILLIAMS	HYDRANT PAINT	\$834.41
FIREHOUSE SOFTWARE	SUPPORT	\$1,335.00	SHIVE HATTERY INC	CEDAR STREET	\$13,188.70
G & L CLOTHING	UNIFORM	\$689.98	SIMPLEX GRINNELL	REPAIR	\$775.95
GREGG YOUNG	SENSOR	\$209.17	SMITH PROMO ADV	SUPPLIES	\$336.08
HARRISON TRUCK CENTER	PARTS	\$100.77	SPRINGER PEST SOLUTIONS	BLDG MAINT	\$68.00
HARVEY'S AUTOMOTIVE	ABSORBENT	\$37.04	STETSON BUILDING PROD	TOOL	\$660.34
HD ON THE GO	POOL PARTY	\$1,250.00	TERMINIX INTL	CITY HALL	\$64.00
HD SUPPLY WATERWORKS	PARTS	\$1,887.00	DES MOINES REGISTER	SUBSCRIPTION	\$62.00
INDOFF INC	SUPPLIES/SHREDDER	\$2,851.18	THE GRAPHIC EDGE	PARK AND REC	\$1,950.24
IOWA ASSOC OF PROFESS	IAPFC FALL CONF	\$70.00	TK CONCRETE	WAKONDA DRIVE	\$122,422.11
IOWA ONE CALL	LOCATES	\$1,036.90	TRUE VALUE WDM	BOUNCE HOUSE	\$80.00
IOWA PARK AND REC	MEMBERSHIP	\$1,064.00	TYLER TECHNOLOGIES	SERVICES	\$115.00
IA PHYSICIANS CLINIC	MEDICAL SVC	\$198.00	USA BLUE BOOK	SUPPLIES	\$57.84
IOWA RADIOLOGY	PRE-EMPLOYMENT	\$17.59	UTILITY EQUIPMENT CO.	MATERIALS	\$66.23
JENN VETTERICK	REIMBURSE	\$32.00	VEENSTRA & KIMM INC.	WATER MAIN CON	\$0.00
JEREMY JONES	REFUND	\$60.00	WADE WAGONER	MILEAGE	\$18.08
JESTER INSURANCE SVCS	PREMIUMS	\$1,853.00			

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Isley opened the public hearing for the proposed rezoning request from Kruse Development, DBA Kruse Construction, to rezone land located north of Highway G14 and approximately 1,000 feet east of South Orilla Road from A-R to R-1(70) & R-1(80) at 6:09 p.m.

Eddleman reported that since the Planning and Zoning process, we have received three letters, and they are included in the council packet.

Brad Cooper, Cooper Crawford and Associates, on behalf of Kruse Development noted the request is on the western side of the city. Since going to the Planning and Zoning meeting, they have been meeting with neighbors for the past two months. On Tuesday the Isleys, City staff, the City Attorney and Bill Lillis, attorney for the neighbors, met again. He thought it was a very constructive meeting and they have committed to this particular layout. They are not asking for action tonight, as they would prefer to have a full council for the action.

Cooper said that prior to the next meeting, they will submit a preliminary plat covering the portions of the property in the rezoning request not being purchased by the Zimplemans. Kruse's goal is to start construction in the center of the property.

Greteman asked if this would be covered by a PUD. Cooper said that they discussed it; but by turning in a preliminary plat, that is essentially the same as a PUD. Isley said a PUD provides a cohesive look at the project.

Isley asked if they are 70 and 80 foot wide lot's. Cooper said some are 70's along G14 and there are 75's along the Swackhammer property.

Jackson noted that the lots are pretty deep. Cooper said if this is a straight zoning and someone wants to change the zoning, it will require three readings; whereas if it is a PUD, it just requires one vote to change it.

Greteman said there is now a 20 or 30 acre buffer between the homeowners' homes and the estate lots to the west.

Cooper showed the acquisition plat and indicated it would be hard for Kruse to develop it in any other way.

Greteman asked if the rezone included the ground Zimpleman is planning to purchase. Cooper said yes, the zoning requires a 200 foot deep lot, with at least three trees on the back.

Steve Swackhammer, 2519 Hwy G14, talked with Dan and Steve Breure this past Saturday. His concern is agricultural land being right up against these houses. He said that he goes in and out conducting normal day to day business with all types of equipment. He has been around housing developments forever; and has been sued by several people, because they do not understand anything about agriculture. The lot size is not going to make a lot of difference, except that more people means more headaches for him.

Livingston said she understands his perspective. She lives on the lake and right now there is nothing on the north side, but someday there is going to be building there. She said that she wants Norwalk to build in a mindful, cautious way and asked Swackhammer what he would want to see. Swackhammer responded that he wants larger lots by him so there are fewer people.

Swackhammer said he farms 10 of the 40 acres adjacent to the housing proposal. Livingston said about five acres of what he farms is up by this development. Swackhammer said yes and added that he has out buildings there as well.

Jackson asked what isolation looks like, a berm or a fence. Swackhammer said it could be a fence.

Bill Applegate, 2386 S. Orilla Road, said he is one of the adjacent property owners and thinks Norwalk is a hot spot. He commented that this adds more value than some of the other developments in the area. He said that he appreciates the buffer and said he does not have great objection to this plan; because with this plan, there is an adequate quality.

Jackson asked about the northeast portion of the parcel. Dougherty said the platting on the parcel locks it in really in ways better than a PUD does. A PUD allows them to adjust lots later but a plat locks it in.

Dougherty suggested keeping the hearing open so council could see the final plans and in case there is something the public wants to give input on, then close the hearing at the next meeting.

15-181 Motion by Isley, Greteman seconded, to **continue the public hearing to the next meeting** passed 2-1, with Livingston voting against, RC.

Isley opened the public hearing related to amendment to the following sections of the City of Norwalk Zoning Ordinance: Architectural Standards, Definitions, Non-conforming Accessory Structures, Exceptions and Modifications, Accessory Structures and Fences, Privately Owned Improvements, Bulk Regulations Table, Multi-Family Off-Street Parking, and Buffers at 6:34 p.m.

Eddleman reported there was no public comment received and no public comment was made.

Isley closed the public hearing at 6:34 p.m.

Greteman said he spent a lot of time reading through these things then spent time with Wagoner and the consultant. The city is taking an innovative approach to architectural standards. He said that he was concerned a staff of 100 may be needed to make determination; but after working through it with them, it actually seems more simplified.

Greteman said he does not have the development community telling him about this one way or another. One person has told him that this would stop all commercial development in Norwalk; but he has been told that about pretty much everything the council has approved. The city needs to make sure we are comfortable with these standards and we need to not waive the standards.

Isley agreed and said if the council adopts these we have to mean it and be consistent.

Bike Trail Agreement

Livingston asked how long the bike trail is expected to take. Wagoner said a final plat has not been submitted, but things are happening pretty regularly. He would expect build out within two to three years. As the houses are built, if the trail is built, the home construction would be the same as the connectivity with any sidewalk anywhere in town.

15-182 Motion by Greteman, Livingston seconded, to **adopt Resolution 0917-15-100 authorizing an agreement between the City of Norwalk and Norwalk Land Company LLC regarding sidewalks/trails in the Norwalk Orchard View development** passed unanimously, RC.

Library Interior Painting

Greteman asked if the cost is already included in the overall number for the library roof and Hoskins answered yes.

15-183 Motion by Livingston, Greteman seconded, to **adopt Resolution 0917-15-101 approving a quote for painting library interior** passed unanimously, RC.

GTSB Grant

Staples said each year the city applies and this year the award is \$10,000. That equals 221 hours of officer patrol for traffic safety enforcement and awareness.

15-184 Motion by Jackson, Livingston seconded, to **adopt Resolution 0917-15-102 authorizing the Chief of Police to enter into a contract with the Governor's Traffic Safety Bureau for receipt of grant funding** passed unanimously, RC.

Traffic Study

Isley asked if the traffic study will tell us the times of peak traffic. Hoskins said yes, it will identify peak flows and turning movements; also it will give us information we need should we desire to seek traffic safety funding for signalization.

15-185 Motion by Livingston, Greteman seconded, to **adopt Resolution 0917-15-103 authorizing a traffic study proposal** passed unanimously, RC.

Appeal of Nuisance Abatement

Dougherty said there was a notice served on behalf of the city related to a nuisance complaint regarding the motor cycle riding on Beardsley. The procedures are that when the city finds a nuisance exists, it gets appealed to the issuing authority first and that was done. The property owner then has the right to appeal to the City Council.

Greteman asked about the petition that has subsequently been submitted by the neighbors and Dougherty said that the finding of the nuisance is based upon the City Code; a big part is how it affects the neighboring properties ability to enjoy their property. The council can take from that petition that the neighbors feel their use and enjoyment of the property has been limited by this activity.

Dougherty said the point of today's proceedings is to uphold or deny the appeal.

Livingston asked if they can give direction to either party as to what happens next; if they disagree with Wagoner's determination, can council give comment on where to go from here.

Jeremiah and Tara Federly, 593 Beardsley Street, circulated the petition. They said that they are not in agreement with the city's decision to allow but limit the time. They definitely agree that there is a nuisance and the nuisance is the amount of noise that the riding creates, not the amount of time that the bike is being ridden. What they would like to see is mufflers that reduce the amount of noise. Federly added that they were riding last night and it was a quiet motorcycle that did not bother them.

Isley asked if they knew if any of the neighbors had talked to the Leepers.

Livingston clarified that the Federly's are not concerned about the activity as long as it is done without the noise and they said yes.

Greteman said that everything is a nuisance unless you combine it with time. If you run a chainsaw for an hour, it could be a nuisance. The issue is the duration combined with the noise.

Federly said they have lived there for two years and had not had a problem with what they were riding previously. Something changed this year. They do not want to say that they cannot ride; but it is the noise level of this new bike that comes across the water.

Jackson said council has to find that there was a nuisance, but the city can relook at the parameters to abate the nuisance. Dougherty said there are other ways to address the nuisance; the city could re-address it, or private property owners could also take an action.

Jackson asked if council confirms that this is a nuisance tonight, the city could also find another nuisance if a problem continues and Dougherty said yes.

Federly affirmed that they are concerned with the noise not the activity.

Todd Leeper, 400 Beardsley Street, said he has been in constant contact with Wagoner and Dougherty on this issue and he is trying to get a specific decibel level that would be acceptable.

Livingston asked Leeper if he agrees that there has been a change this year that has created more noise. Leeper said his son has a new bike and he is not sure what he can do to make the bike quieter.

Greteman said he has lived there for seven years also and he has never heard the motorcycles before. He asked Leeper if the new bike is a four stroke engine and Leeper said yes.

Leeper said he has issues with the city telling him what he can and cannot do on his property. Greteman said that no one in the city is going to be able to build a private or commercial track of any kind without a special use permit for a reason. The bottom line is that inside the city limits, regardless of zoning, residents cannot have a track and bikes running over jumps that creates a nuisance to others.

Livingston said the complaint is not that he has motorcycles running; the complaint is that one of the motorcycles is too loud. She added that she is not sure the notice of abatement restrictions addresses that issue.

Jackson said the problem started with the introduction of the new bike. It seems simple that they need to ride the noisy bike outside of city limits.

Federly's noted that when they have friends come over and ride, with multiple bikes running, there is a noise problem then also.

Greteman said it is a nuisance and he is willing to let the restrictions have a chance to work. The noise has not migrated to two or three properties it has migrated all over town. He is prepared to live with what Wagoner has recommended.

Dougherty asked the council to vote if the motorcycle noise is a nuisance, or not; and, if so, that the restrictions are upheld or not.

Livingston reiterated that she agrees there is a nuisance but does not know if the restrictions address that nuisance.

Wagoner said procedurally there is only one appellant and that is Mr. Leeper. Once he received notice to abate, he is not supposed to do it again during the appeal process.

He added that if the city finds that the original parameters were not enough, a new notice could be issued; but for now council can uphold the terms of the current letter and see if that abates the nuisance complaints. As far as putting more restrictions on, the strongest thing we can do tonight is hold Leeper to what was in the original letter.

Livingston said she has an issue with the two motorcycles limit, because if he rides three non-noisy motorcycles it sounds like that may not be a noise nuisance.

Wayne McGhee, 550 Legacy Ct #55, moved to Norwalk about three years ago. He said that he worked with the city, mayor, City Council, and School Board when living in Texas and one of his abilities is creating laws. He said if the city does not place restrictions, people could not want to move to Norwalk and put up with the noise; council ought to feel for the people coming in and consider what they like.

15-186 Motion by Greteman, Jackson seconded, to **deny appeal** passed unanimously, RC.

NCIS Update

Hoskins said we are seeing progress now on Holly Drive. The contractor is completing installation of the subdrain. By mid next week, they should start subgrade preparation. Things are looking positive on that project. We see a light at the end of the tunnel for those property owners who have not been able to access their properties for the past few months.

Wakonda has sewer going in. It looks like the crew putting it in could finish up by the end of next week. There is still a great deal of work to be completed and it does not look feasible to reach their completion date. Isley asked even though they have added crews and Hoskins said yes.

Reports

Staples said they continue to update the thefts from vehicles. There is a meeting regarding this at the Norwalk Christian Church on Tuesday, September 22, at 6:30 p.m. to talk about crime prevention.

They have made an offer to an officer to replace retiring Officer Metzger.

Hoskins said Metro Waste Authority is exploring the possibility of allowing yard waste to go into regular trash. Isley asked if the city has to agree to that because there could be liability down the road. Hoskins said there are a lot of unanswered questions.

Wagoner said he received a question about how our architectural standards compare to other cities. He provided council with a spreadsheet comparing the proposed standards to other cities in the area.

Closed Sessions

Isley asked if the next item on the agenda is an acceptable reason to enter closed session and Dougherty said yes.

15-187 Motion by Jackson, Greteman seconded, to enter closed session pursuant to Chapter 21.5.1(c) of the Code of Iowa regarding litigation (Petit) passed unanimously, RC at 7:37 p.m.

15-188 Motion by Greteman, Livingston seconded, to return to open session passed unanimously, RC at 7:59 p.m.

No action was taken.

Isley asked if the next item on the agenda is an acceptable reason to enter closed session and Dougherty said yes.

15-189 Motion by Greteman, Jackson seconded, to enter closed session pursuant to Chapter 21.5.1(c) of the Code of Iowa regarding prospective litigation passed unanimously, RC at 8:00 p.m.

15-190 Motion by Greteman, Livingston seconded, to return to open session passed unanimously, RC at 8:16 p.m.

No action was taken.

Recruitment Discussion

Greteman suggested appointing the Assistant Chief as interim Fire Chief with the plan to hire a company to search for a new chief.

Oliver suggested bringing back information about the cost of a recruitment firm.

15-191 Jackson moved, Greteman seconded, to **adjourn** meeting at 8:25 p.m. Voice vote carried unanimously.

Erika Isley, Mayor Pro Tem

Attest:

Jodi Eddleman, City Clerk